

## Boone County Board of Zoning Appeals

# Modification or Termination of Commitment

### APPLICATION PROCEDURES:

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#### STEP ONE: PRE-APPLICATION

Before filing an application, it is recommended that the applicant meet with the Executive Director of the Area Plan Commission at least one week prior to the anticipated application submission to discuss the proposed request and to become more familiar with the applicable requirements. Call (765) 482-3821 to schedule a meeting.

#### STEP TWO: APPLICATION

1. A complete Modification or Termination of Commitment Application and all required Attachments are to be submitted by 4:00pm of the posted deadline date, as shown on the Board of Zoning Appeals Application Schedule (see page 4). Please submit the application, attachments, and associated fees to the Area Plan Commission Office, 116 Washington Street, Room 101, Lebanon, Indiana. The APC Staff shall determine whether the application is complete. If the application is not complete, the applicant will be notified of the deficiencies. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.
2. The items below are required in order to complete your application and shall be submitted when your application is filed. **PLEASE FOLD ALL PLANS AND MAPS SUBMITTED.**

☐ Application Form

- All items must be completed fully and either typewritten or printed in ink.
- The application must be signed by the applicants and notarized.

☐ Application Fee (Payment of Required Fees Due Post TAC Approval)

- \$275
- Checks are to be made payable to the Boone County Treasurer.

☐ Site Plan (if required)

- Drawing must be dimensioned and include property lines, showing height and area of existing facilities and structures. All proposed future improvements to the property must show the height and area dimensions.
- Drawing must not exceed 11" x 17" in size.

☐ Aerial Location Map

- Aerial map can be obtained from the Boone County Surveyor's Office (765) 483-4444 or Boone County Area Plan Commission Office.
- Draw property lines of the site plan on the map.

☐ Attachment A: Affidavit of Ownership (submit only if the applicant is not the property owner)

## PUBLIC NOTICE PROCEDURES:

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### ☐ Newspaper Advertisement

- Complete **Form: Notice of Public Hearing for Newspaper.**
- Publish the completed form in either the Lebanon Reporter or the Zionsville Times Sentinel at least 15 days prior to the BZA meeting, please make sure to give yourself ample time according to the Application Schedule (see page 4.)
  - Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
  - Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.
- Submit proof of your newspaper advertisement to the Area Plan Commission Office according to the Application Schedule (see page 4.)
- Failure to submit proof of advertisement after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.

### ☐ Surrounding Property Owner Notification

- The next business day following the filing deadline, staff will contact you with the names and addresses of all property owners within 660 feet of the subject property.
- Complete **Form: Notice of Public Hearing for Surrounding Property Owners.**
- Mail a Certified Letter (return receipts and green cards) to each of the listed property owners at least 15 days prior to the BZA meeting, please make sure to give yourself ample time according to the Application Schedule (see page 4.) Include the form and its necessary attachments.
  - Staff can prepare the copies of the letters for a fee of \$0.10 per page. Necessary postage and timely mailing are the responsibility of the applicant.
- If your property borders or comes close to the Boone County line, it is your responsibility to locate properties within the 660-foot radius that fall outside of the county and their corresponding owners. Contact numbers for this information are as follows:
  - Hamilton County (317) 776-9624
  - Clinton County (765) 669-6330
  - Montgomery County (765) 364-6400
  - Hendricks County (317) 746-9300
  - Marion County (317) 327-3001.
- Submit proof of property owner notification (green cards and/or return receipts) to the Area Plan commission Office according the Application Schedule (see page 4.)
- Failure to submit proof of notice after the posted deadline will automatically table the application's hearing until the next meeting of the BZA.

## **TECHNICAL ADVISORY COMMITTEE**

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The Technical Advisory Committee (TAC) reviews the technical aspects of the proposal and will meet to discuss your proposal in the APC Office according to the Application Schedule (see page 4). APC Staff will contact you with an appointment time. The TAC generally includes APC Staff; Surveyor; Board of Health; NRCS; applicable Engineer; applicable Public Utility; applicable Executive Officer of affected Town or City; Highway Department, applicable School Superintendent; and applicable Safety Services. You or a designated representative with technical information regarding your submittal should attend. In some instances, additional information is required by the TAC in order to make a technical review of your application. This information must be submitted by the last day to submit information for the Staff Report according to the Application Schedule (see page 4).

## **STAFF REPORT AND AGENDA**

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After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing analysis of each agenda item. Such report shall be released along with the agenda 10 days prior to the hearing according to the Application Schedule (see page 4.) All additional documents to be studied and considered by staff for use in the Staff Report should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.) Any interested party may provide support documentation to be delivered to the BZA members along with the Staff Report. To do so, the party must provide 10 copies of each document, which should be submitted no less than 15 days prior to the hearing. According to the Application Schedule (see page 4.)

## **BOARD OF ZONING APPEALS HEARING**

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The BZA shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the APC office. Public hearings of the BZA are generally held the forth Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, the following procedure is followed:

You are asked to present your request to the Board. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist you in the presentation. You are encouraged to address the Standards for Evaluating Variances that are listed in your Application in your presentation. If the Board members need additional information, they will ask questions regarding your request.

Per the Boone County Zoning Ordinance and Indiana Code 36-7-4-921(a)(5), the BZA may require the owner of the parcel to make written commitments concerning the use or development of that parcel. These commitments must be recorded with the Boone County Recorder prior to the issuance of a building permit.

Per Indiana Code 36-7-4-912, the BZA shall make written Findings of Fact, which is the BZA's decision based upon their interpretation of the Conditions for Evaluating Variances listed in your Application. Within 10 business days of the BZA hearing, Staff will send you a copy of the written Findings of Fact.

## **BOARD OF ZONING APPEALS APPLICATION SCHEDULE -- 2023**

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The following table depicts the deadlines for petitions before the BZA. Deviations from this schedule are not permitted without approval from the Board. Public hearings of the BZA are generally held the fourth Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

BZA Schedule 2023						
12 Days Prior to TAC	First Wednesday of the Month	15 Days Prior to Public Hearing	15 Days Prior to Public Hearing	8 Days Prior to Public Hearing	5 Days Prior to Public Hearing	Fourth Wednesday of the Month
Filing Deadline	TAC Meeting at 1:30 pm	Last Day to Submit Info Requested at TAC to be in Staff Report	Last Day for Public Notice to be Published by Applicant	Agenda & Staff Report Published by Staff	Last Day to Submit Info to the File (not included in staff report)	Last Day for Applicant to Submit Proof of Notification
Friday, December 22, 2023	Wednesday, January 4, 2023	Tuesday, January 10, 2023	Tuesday, January 10, 2023	Tuesday, January 17, 2023	Friday, January 20, 2023	Wednesday, January 25, 2023
Friday, January 20, 2023	Wednesday, February 1, 2023	Tuesday, February 7, 2023	Tuesday, February 7, 2023	Tuesday, February 14, 2023	Friday, February 17, 2023	Wednesday, February 22, 2023
Friday, February 17, 2023	Wednesday, March 1, 2023	Tuesday, March 7, 2023	Tuesday, March 7, 2023	Tuesday, March 14, 2023	Friday, March 17, 2023	Wednesday, March 22, 2023
Friday, March 24, 2023	Wednesday, April 5, 2023	Tuesday, April 11, 2023	Tuesday, April 11, 2023	Tuesday, April 18, 2023	Friday, April 21, 2023	Wednesday, April 26, 2023
Friday, April 21, 2023	Wednesday, May 3, 2023	Tuesday, May 9, 2023	Tuesday, May 9, 2023	Tuesday, May 16, 2023	Friday, May 19, 2023	Wednesday, May 24, 2023
Friday, May 26, 2023	Wednesday, June 7, 2023	Tuesday, June 13, 2023	Tuesday, June 13, 2023	Tuesday, June 20, 2023	Friday, June 23, 2023	Wednesday, June 28, 2023
Friday, June 23, 2023	Wednesday, July 5, 2023	Tuesday, July 11, 2023	Tuesday, July 11, 2023	Tuesday, July 18, 2023	Friday, July 21, 2023	Wednesday, July 26, 2023
Friday, July 21, 2023	Wednesday, August 2, 2023	Tuesday, August 8, 2023	Tuesday, August 8, 2023	Tuesday, August 15, 2023	Friday, August 18, 2023	Wednesday, August 23, 2023
Friday, August 25, 2023	Wednesday, September 6, 2023	Tuesday, September 12, 2023	Tuesday, September 12, 2023	Tuesday, September 19, 2023	Friday, September 22, 2023	Wednesday, September 27, 2023
Friday, September 22, 2023	Wednesday, October 4, 2023	Tuesday, October 10, 2023	Tuesday, October 10, 2023	Tuesday, October 17, 2023	Friday, October 20, 2023	Wednesday, October 25, 2023
Friday, October 20, 2023	Wednesday, November 1, 2023	Tuesday, November 7, 2023	Tuesday, November 7, 2023	Tuesday, November 14, 2023	Friday, November 17, 2023	Wednesday, November 22, 2023
Monday, November 27, 2023	Wednesday, December 6, 2023	Tuesday, December 12, 2023	Tuesday, December 12, 2023	Tuesday, December 19, 2023	Thursday, December 21, 2023	Wednesday, December 27, 2023
Deadline Altered Due to Holiday						
** Article 5.2.3 Information to be delivered with the staff report should be submitted no less than fifteen (15) days prior to the meeting						
** Article 5.3 All parties shall be allowed to submit documents into public record up to no less than five (5) days prior to the meeting						
** APC Rules of Procedure states that the notice in the paper shall appear no less than fifteen (15) days prior to the public meeting						

Version Dated December 8, 2023

**Boone County Area Plan Commission**

116 Washington Street, Room 101

Lebanon, IN 46052

Phone (765) 482-3821 \* Fax (765) 483-5241

[www.boonecounty.in.gov/apc](http://www.boonecounty.in.gov/apc)

Boone County Board of Zoning Appeals

**Modification or Termination  
Of Commitment**

For Office Use Only: **FILE NUMBER**

\_\_\_\_\_- 30 -\_\_\_\_\_  
Year Twp File #

**1. Petitioner(s)**

Check one: ☐ owner ☐ agent ☐ lessee ☐ contract purchaser ☐ other \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2. Property Owner(s)**

If Applicant is not the Owner, attach completed Attachment A: Affidavit of Ownership

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**3. Board of Zoning Appeals Rules of Procedure**

Rule 6.9.5

As stated in 6.9.5, in the BZA Rules of Procedure, a commitment may be modified or terminated only by a decision of the board made at a public hearing after the notice of the hearing has been given under these rules.

Modification or Termination Request

Original Petition Number: \_\_\_\_\_

Original Petitioner Name: \_\_\_\_\_

Original Commitments Approved:

1.

Number of Commitment seeking Modification or Termination:

#### 4. Reasoning for Modification or Termination

Please provide a comprehensive description for the reasons for the modification or termination request.

1:

2:

3:

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature(s) of Applicant(s):

Date:

#### Notary Statement

Sworn to and subscribed before me the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public in and for the State of Indiana.

Notary Public / Printed

Seal

My commission expires: \_\_\_\_\_

#### For Office Use Only

Date Filed:

Public Notice:

Newspaper Ad:

Date of BZA Hearing:

Decision of BZA: ☐ unfavorable ☐ favorable ☐ favorable with conditions

Conditions:

Boone County Board of Zoning Appeals  
Modification or Termination of Commitment Application  
**Attachment A: Affidavit of Ownership**

*If the owner(s) of the subject property are giving authorization for someone else to apply for the Variance, this Attachment is to be completed and submitted at the time of application.*

I (WE), \_\_\_\_\_, do hereby certify that I (We) am  
(name(s) of owner(s) of subject property)  
(are) the owner(s) of the property legally described as \_\_\_\_\_  
(Boone County Parcel Identification Number)  
and hereby certify that I (We) have given authorization to \_\_\_\_\_, to  
(Name of Petitioner and Representative (if any))  
apply for the Variance for My (Our) property.

Name of Owner(s):	Parcel Identification Number	Signature:	Date:

**Notary Statement**

Sworn to and subscribed before me the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Notary Public in and for the State of Indiana.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public / Printed  
Seal



Boone County Board of Zoning Appeals  
Modification or Termination of Commitment Application  
**Form: Notice of Public Hearing for Newspaper**

*This information along with the Legal Description is to be published one time in either the Lebanon Reporter or the Zionsville Times Sentinel. The publication is to be at least 15 days prior to the public hearing of the BZA according to the Application Schedule. Contact each newspaper for their individual deadlines for publication submittals.*

- Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
- Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

\_\_\_\_\_, 20\_\_ at 7:00p.m. at the \_\_\_\_\_  
(date) \_\_\_\_\_, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by \_\_\_\_\_ requests a Modification or  
(applicant)  
Termination to Commitment for \_\_\_\_\_ located in  
(project name and number)  
\_\_\_\_\_ township. The request is for the purpose of: \_\_\_\_\_

Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: \_\_\_\_\_

**Boone County Board of Zoning Appeals**

**Modification or Termination of Commitment Application**

**Form: Notice of Public Hearing for Surrounding Property Owners**

*This information along with the legal description, site plan, and Notice of Public Hearing brochure is be mailed to each of the surrounding property owners on the list supplied by staff.*

This is to inform you that the Boone County Area Board of Zoning Appeals will hold a Public Hearing on

\_\_\_\_\_, 20\_\_\_\_ at 7:00p.m. at the \_\_\_\_\_  
(date)  
\_\_\_\_\_, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by \_\_\_\_\_ requests a Modification or  
(applicant)  
Termination to Commitment for \_\_\_\_\_ located in  
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Applicant: \_\_\_\_\_